

REMARKS

The foregoing Amendment and the following Remarks are submitted in response to the Office Action issued on June 4, 2004 (Paper No. 2) in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action. Applicants note that such three-month period ends on September 7, 2004 inasmuch as September 4 is a Saturday and September 6 is Labor Day.

Claims 5-51 are pending in the present application, and stand rejected. Claims 1-4 have been canceled. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

Applicants respectfully request reconsideration and withdrawal of the rejection of the claims, consistent with the following remarks.

The Examiner has rejected claims 7-10, 12, 13, 15-17, 20-23, 25-26, 28, 31-34, 36, 37, and 39-51 under 35 USC § 102(b) as being anticipated by Dedrick (U.S. Patent No. 5,710,884). Applicants respectfully traverse the § 102(b) rejection of such claims.

Independent claim 7 of the present application recites a method for a user coupled to a network that provides network services to users, where the network comprises a centralized data center (CDC) and a plurality of regional data centers (RDCs) operatively coupled to the CDC. Each RDC is operatively coupled to a plurality of users by way of a communications network, and maintains for each associated user a user profile corresponding to the user.

In the method, the user contacts the RDC and requests therefrom a list of servers to use for services provided by the network for the user. The user receives the list of

servers, where such list of servers is obtained from the user profile for the user and comprises a list of corresponding network addresses.

Independent claims 20 and 31 recite substantially the same subject matter as claim 7, albeit as a computer-executable medium and a computer, respectively.

As set forth in the Background section of the present application, the present invention is directed toward the problem that although a typical personal computer (PC) now can interact with a typical user in a relatively simple manner as perceived by the user, such interaction has been achieved by making the PC vastly more complex. More particularly, as a result of such complexity, it is now much harder for the typical user to grasp and correct malfunctions and mis-functions that arise during operation of such PC.

In an effort to alleviate such problem and to otherwise provide a more satisfactory user experience, the present invention integrates the PC into a network such that the network acts as a platform for delivering applications to the PC, for maintaining the applications on the PC, for backing up user data from the PC, for diagnosing PC issues, for directing the user to particular services, and the like. Thus, the network may be employed to provide the user and the PC with direct access to software vendors for trials / upgrades / purchases, product support, information services, and device management; to provide network services that offer protection from complexity, loss of information, viruses, accidents, and obsolescence; to provide network functionality that reduces PC design and support costs; and to provide connectivity for PCs and even for other non-PC electronic devices.

As set forth in the present application, the network may have an architecture comprising a centralized data center (CDC), a plurality of regional data centers (RDCs)

operatively coupled to the CDC, and perhaps a plurality of local data centers (LDCs) operatively coupled to each RDC. A user newly couples to the network by receiving a network address of the CDC, contacting the CDC at the network address thereof, requesting from the CDC a network address of an RDC based at least in part on the location of the user; and receiving a network address of an RDC from the CDC. Such process may be repeated with regard to the RDC if necessary to locate an LDC of the RDC. The RDC or LDC maintains the user profile for the user, and the location of such RDC or LDC is expected to be relatively close to the location of the user as compared with the location of all other RDCs / LDCs. Once coupled to the network, the user contacts the RDC or LDC, requests from same a list of servers to use for services provided by the network for the user, and receives the list of servers. The list of servers is obtained from the user profile for the user and comprises a list of corresponding network addresses that are expected to be of use to the user.

The Dedrick reference discloses a system for storing and updating electronic information in a personal profile server for an individual user, and dynamically changing the residence of the electronic information. Most relevant to the present application, the Dedrick system includes a plurality of servers 20, 21, 22 at a centralized level that the Examiner contends are the equivalent of the recited CDC, and a plurality of metering servers 14 at a regional level that the Examiner contends are the equivalent of the recited RDCs. However, and significantly, the Dedrick system does not disclose that a user contacts a metering server 14 (i.e., the RDC according to the Examiner) and request therefrom a list of servers to use for services provided by the network for the user, as is required by claims 7, 21, and 30. As the Examiner notes, the Dedrick system does include a personal profile database 27 with

information relating to each user. However, such information is only disclosed as relating to advertising, and not to a list of servers to use for services provided by the network.

Independent claim 16 of the present application also recites a method for a user coupled to the aforementioned network that provides network services to users. Here, the method is for distributing a user-based product from a vendor, where the product is available for purchase by each user and installation on an associated user machine. In the method, a product is received from the vendor at an RDC and the RDC pushes the product to the CDC, which in turn propagates the product to all of the RDCs. Each RDC then advertises the product to at least some associated users such that a user interested in the advertised product contacts the vendor to purchase the product therefrom and receives an authorization from the vendor in response thereto. Upon an associated RDC receiving the authorization from the user, the associated RDC downloads the product to the user for installation on the associated user machine, and updates the user profile for the user to reflect the installation.

As the Examiner notes, the Dedrick system includes facilities for providing advertising and pay-per-view events to a user. However, such facilities do not allow for a product to be received from the vendor at a metering server 14 (i.e., the RDC according to the Examiner), pushed therefrom to the regional content server 21 (i.e., the CDC according to the Examiner), and then propagated therefrom to all of the RDCs, as is required by claim 16. In fact the Dedrick system does not appear to propagate any products upstream and then downstream in the manner recited in claim 16.

Independent claim 40 of the present application recites a method in combination with a network for implementing a network-based computing environment, where the network has a CDC and a plurality of RDCs. Here, the method is for an

application to implement an action at a first network location, where the application is at a second network location and coupled to an RDC thereat. In the method, the application determines over the network what clients are available at the first location and coupled to an RDC thereat, where each available client has capabilities, and determines over the network what capabilities each available client at the first location has. The application then selects an available client at the first location having a capability required for the action to be implemented at the first location, and issues a command over the network to the selected client to perform at least a portion of the action. The issued command is received over the network from the application by the selected client and the selected client performs at least a portion of the action in accordance with the received command.

Independent claim 46 recite substantially the same subject matter as claim 40, albeit somewhat more broadly.

The Dedrick reference discloses scenarios where information is accessed by one device from another. However, the Dedrick system is not disclosed as allowing an application at one location to access and command a client at another location by determining clients and capabilities over the system, selecting an available client having a capability required for the action to be implemented at the first location, and issuing a command over the network to the selected client to perform at least a portion of an action, as is required by claims 40 and 46.

Thus, Applicants respectfully submit that the Dedrick reference does not disclose the subject matter recited in independent claims 7, 16, 20, 31, 40, or 46 or any claims depending therefrom, including claims 8-10, 12, 13, 15, 17, 21-23, 25-26, 28, 32-34, 36, 37, 39, 41-45, and 47-51. Accordingly, and for all the aforementioned reasons, Applicants

respectfully submit that the Dedrick reference cannot be applied to anticipate such claims.

Thus, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection.

The Examiner has rejected claims 5, 6, 18, 19, 29, and 30 under 35 USC § 103(a) as being obvious over the Dedrick reference in view of Dancs et al. (U.S. Patent No. 6,108,789). However, Applicants note that the substance of the rejection is based not on the Dancs reference but on Logan et al. (U.S. Patent No. 6,578,066), and can only presume that the Examiner in fact intended the rejection to be based on such Logan reference and not on the Dancs reference. That said, Applicants respectfully traverse the § 103(a) rejection of such claims.

Independent claim 5 of the present application recites a method for a user to newly couple to the aforementioned network for providing network services to users. In the method, a network address of the CDC is received, the CDC is contacted at the network address thereof, and a network address of an RDC is requested from the CDC based at least in part on the location of the user. The network address of an RDC is received from the CDC such that the location of the RDC of the received network address is expected to be relatively close to the location of the user as compared with the location of all other RDCs. Such RDC of the received network address then maintains the user profile for the user.

Independent claims 18 and 29 recite substantially the same subject matter as claim 40, albeit in the form of a computer-readable medium and a computer, respectively.

As the Examiner concedes, the Dedrick reference does not disclose any of the method steps recited in claims 5, 18, and 29. Nevertheless, the Examiner continues by arguing that the Logan reference in fact discloses such steps. The Logan reference is directed

to a switch that determines a server site in response to a user request, where the server site is geographically close to the user. However, and significantly, the Logan reference speaks in terms of the server site being selected in a manner transparent to the requesting user. Thus, the Logan reference does not disclose or suggest that a user specifically request from a CDC a network address of an RDC and then contacts the RDC by way of such network address, as is required by claims 5, 18, and 29, or that such RDC maintains the user profile for the user, as is also required by claims 5, 18, and 29.

Accordingly, Applicants respectfully submit that the combination of the Dedrick and Logan reference does not disclose the invention recited in claims 5, 18, and 29. As a result, such Dedrick and Logan references cannot be combined to make obvious such claims or any claims depending therefrom, including claims 6, 19, and 30. Thus, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection.

The Examiner has rejected claims 11, 14, 24, 27, 35, and 38 under 35 USC § 103(a) as being obvious over the Dedrick reference in view of Cheng et al. (U.S. Patent No. 6,151,643). Applicants respectfully traverse the § 103(a) rejection of such claims.

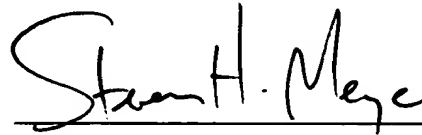
Applicants respectfully submit that since independent claims 7, 20, and 31 have been shown to be unanticipated and are non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, including such claims 11, 14, 24, 27, 35, and 38, at least by their dependencies. Thus, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection.

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In view of the foregoing discussion, Applicants respectfully submit that the present application, including claims 5-51, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Steven H. Meyer", written over a horizontal line.

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